

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 12378 of 2004

Between:

M. Parvathi, W/o M.Narappa,
R/o Illuru village, Garladinna Mandal, Ananthapur District.

..... PETITIONER

AND

- 1 Revenue Divisional Officer, Anantapur.
- 2 The Mandal Revenue Officer, Garladinne Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in notifying the fair price shop No.2 of Illuru village, Garladinne mandal, Anantapur District as vacant even though the authorisation granted in favour of the petitioner is in force as illegal arbitrary and consequently direct the 1st respondent to continue the petitioner as fair price shop dealer

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioner has come up with the present writ petition aggrieved by the action of the respondents in proposing to conduct interviews for filling up the posts of fair price shop dealers, for which the petitioner was appointed in the year 1998.

2. According to the petitioner, when there was a vacancy with reference to the fair price shop dealer of Illuru village, Garladinna Mandal of Anantapur District, the petitioner was appointed as a dealer by the 1st respondent. Though the authorization granted to the petitioner is valid up to 31st March 2005, without canceling the said authorization, the 1st respondent is calling fresh candidates for interviews for appointment as fair price shop dealer. Therefore, the petitioner is aggrieved against the said action of the 1st respondent and came up with this writ petition.

3. According to the learned counsel for the petitioner, as long as the petitioner has been continuing as fair price shop dealer, it is not open to the respondents to conduct interviews to fill up the post, which is held by the petitioner.

4. The learned Government Pleader contended that the petitioner was appointed only as temporary fair price shop dealer, and now the proceedings are being initiated for permanent appointment of fair price shop dealer. Therefore, there is no merit in the writ petition and sought to dismiss the same.

5. Heard the learned counsel for the petitioner, learned Government Pleader, and considered the material on record.

6. Though the petitioner contends that her authorization is valid up to 31st March, 2005, but on perusal of her appointment order dt.28.9.1998, shows that she was appointed on temporary basis, and her appointment would not come in the way of making permanent appointment as fair price shop dealer. Now the 1st respondent is proceeding to make appointment on permanent basis. Therefore, till the permanent fair price shop dealer is appointed, the petitioner is entitled to continue as such, and once the 1st respondent makes appointment of permanent dealer, the petitioner is not entitled to continue in the said post.

6. The writ petition is accordingly disposed of. No costs.

Dsr/Kvh.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer,

Ananthapur.

2. The Mandal Revenue Officer,

Garladinne Mandal, Anantapur District

3. Two CCs to the Government Pleader [Civil Supplies]

High Court Buildings, Hyderabad [OUT]

4. Two CD copies